CASE STUDIES

Please note: the following case studies are examples only and do not provide an exhaustive source of possible adjustments. Each request for reasonable adjustment must be assessed in full knowledge of all the circumstances of the case and with sensitive regard for the unique nature of an individual’s situation.

Case study 1
Rebecca is employed as a Lecturer at a University and was experiencing some difficulty in performing her work as a result of her disability. Rebecca uses a wheelchair and has limited hand function. She advised that due to her limited hand function, she was unable to type quickly, and was making many mistakes when typing due to muscle fatigue in her hand. Rebecca advised that she was also experiencing difficulty in getting her wheelchair to fit underneath her desk. She alerted her line manager, who made contact with the Staff Disability Advisor for assistance. The Staff Disability Advisor met with both Rebecca and the supervisor to gain a detailed understanding of Rebecca's concerns. Based upon this detailed information and medical recommendations, Rebecca was provided with voice recognition software that improved the accuracy of reports. Rebecca was also provided with an electronic desk that allowed her to adjust the level of the desk according to her requirement. The accommodations that were provided to Rebecca allowed her to maintain her productivity and contribute equally to her work area.

NB: When considering whether an adjustment will cause unjustifiable hardship to an employer such as a University, it is useful to know that the decision of undue hardship could be determined on the overall financial resources of the university, rather than the budget of a particular area.
(Australian Human Rights Commission)

Case study 2
Tom had been employed as a warehouse supervisor for some years with the same company. He suffered a workplace injury which resulted in permanent damage to his spine and leg. Tom’s employment was terminated after the injury because his employer felt he was unable to safely perform the inherent requirements of his position. Tom disputed that he was unable to perform his duties safely and claimed his employer had not asked him whether there was any reasonable adjustment that would assist him to perform his duties and had not raised any concerns about his performance or mobility prior to terminating his employment. The company claimed Tom was unsteady when he walked and stated it had genuine concerns that he could fall or trip in the warehouse, thus endangering him self and fellow workers. Tom suggested he could improve his mobility with a foot brace and that he was still able to perform his role safely. The complaint was resolved through a conciliation process with the employer agreeing to reinstate Tom and pay him $52 000 in compensation for lost wages, superannuation and legal costs.
(Anti-discrimination Commission Queensland)

Case Study 3
Ms Humphries has a severe visual impairment and was not provided with any special equipment or accommodation in her role as an administrative officer. After several years of work with the same employer she expressed interest in a position at a higher classification level but she was not promoted or offered training as it was considered she could not perform another role. Ms Humphries lodged a complaint and it was found her employer had been discriminatory for the following reasons:
- The employer had failed to provide adequate equipment to allow her to work efficiently and demonstrate her capacity to perform higher duties.
- She was not given the chance to demonstrate her ability and competence because her special needs were not taken into account.
- While some colleagues demonstrated understanding towards her, management generally ignored her special needs even though such needs were apparent.
- No workplace assessment of her needs was undertaken when she commenced working with her employer and no support plan implemented at any stage.
(Australian Human Rights Commission)
Case Study 4
Tony applied to be transferred from his Brisbane based position to a vacancy at the same level in a remote area of Queensland. His application was refused by his employer on the basis that Tony’s use of a wheelchair made him unsuitable for the position. Tony complained that he was discriminated against on the basis of his impairment because the job involved the same duties as his Brisbane position, the remote workplace had sufficient wheelchair access and no other adjustments were necessary to make the workplace suitable for him. Conciliation revealed that Tony’s employer believed that if Tony left his established support network, his work capacity would deteriorate. The employer’s assumption ignored the fact that Tony had lived independently since leaving his overseas family and did not require the level of support assumed by his employer. Tony’s employer apologised and agreed to the transfer once it was demonstrated that Tony required only minimal adjustments in his new workplace.
(Anti-discrimination Commission Queensland)

Case study 5
Max has worked as a teacher for more than ten years. He has a congenital spinal deformity and, while he can walk short distances with the aid of two walking tripods, he usually uses a scooter to get around his school premises. Max was transferred to another school in the same town but the site was hilly and he was allocated a classroom in an area of the school without easy scooter or walking access. Max requested modifications to the school site to allow him access to his classroom, the staff toilet and staff meeting room. The school said they could not afford to make the adjustments and therefore informed Max he could not work there. Max complained and it was found his employer had been unreasonable in transferring him to a site where facilities were not suitable and then refusing to provide him with the appropriate modifications to allow him to perform his duties and access essential facilities.
(Anti-discrimination Commission Queensland)

Case study 6
George is a person with a sensory impairment who works at Curtin University. George was in the process of obtaining a therapy dog and required four weeks leave for training and orientation. The University considered that four weeks of paid leave being provided to George was reasonable accommodation, and could be regarded similarly to undertaking the orientation of a colleague, or training of an employee in technical skills to facilitate their performance. The University also considered that as therapy dogs have a working life of 8 to 10 years, the four week period of training would not be an unreasonable period for the University to accommodate.
(Curtin University)

Case study 7
Frieda is a 47-year-old woman with arthritis developing in her hands. She works as a receptionist in a doctor’s surgery. When the condition started five years ago, she found writing with a standard pen increasingly painful. Her manager ordered ‘sticky’ pens with a larger barrel, which Frieda found helpful. As her condition progressed, the manager changed the phone for a model without ‘fiddly buttons’. Later the manager also changed the way in which the work was allocated, so that a reception assistant took out all the patients’ files at the beginning of the sessions and re-filed them at the end because Frieda was no longer able to do this. These adjustments meant that Frieda was able to continue to be an effective part of the team and she was able to keep the job she had done well for 15 years.

Case Study 8
Chloe works as a checkout operator for Big W. Chloe is profoundly deaf and a variety of adjustments have allowed her to work successfully in her role for some years. Adjustments made by her employer include:
- training for her co-workers
- signage to highlight her disability to customers and flag her communication needs
- provision of interpreting services for training and development sessions
- provision of TTY device
- provision of an electronic tablet to allow another means of alternative communication with customers
- an individual emergency procedure plan.
(JobAccess)